

REMARKS

Careful consideration has been given to the Official Action of March 18, 2003 and it is requested that the Examiner reconsider the rejection of the claims on the basis of the following comments.

The Examiner has rejected Claims 24-31 as being unpatentable under 35 U.S.C. § 103 over Jorger in view of Mader. The rejection is respectfully traversed.

Claim 24, the sole independent claim in the application, is directed to a top rail 1 which forms a junction between an outer skin 11 of a side wall and an outer skin 18 of a roof panel of a container having inner skins 16, 17 and foam material between the skins. The top rail includes a first web portion 2 attached to the outer skin 11 of the side wall, an inwardly inclined second web portion 3 at an obtuse angle to the first portion and a third web portion 4 extending substantially perpendicular to the first web portion 2 for attachment to the outer skin 18 of the roof panel. The third web portion 4 is inwardly inclined at a second obtuse angle to the second web portion 3 and is provided with an inwardly extending return portion 5 at an edge of the third web portion 4 remote from the second web portion 3. The return portion 5 is embedded in the foam between the inner and outer skins and serves for strengthening the top rail. Thus, as shown in Fig. 2, the return portion 5 is formed by a bent end at the edge of the third portion extending inwardly into the foam.

Neither Jorger nor Mader discloses the formation of an inwardly extending return portion as claimed which is embedded in the foam insulation. The Examiner purports to read

the edge rail 1346 in Fig. 13 of Mader as including first and third web portions 1342 having return portions 1344 connected at an edge of the first and third web portions. These first and third web portions are not connected to the other skins of the side wall and roof panel of the container but to a hollow rail 1346. These so-called return portions are not embedded in the foam as claimed. In contrast, the return portion 5 of the invention extends inwardly into the foam so that it is surrounded in entirety by the foam. Although it is acknowledged that there is a disclosure, page 13 lines 5-9 of Mader of the concept of filling space 1346 with foam the returns 1342 would only form boundary surfaces for the foam and they would not extend inwardly into the foam as claimed. In other words, only a portion of the surface of the flange portions 1344 would be brought into contact with the foam. This does not constitute embedding this portion in the foam and indeed portion 1344 would be more accurately regarded as being inserted in portion 1345 of retaining member 1336. Viewed in another light, the Examiner considers webs 1342 to represent the first and third webs but these are not related to skins of the container walls and flanges 1344 are boundaries for the edges of the rail 1346 and they do not extend inwardly for embedding in the foam material as disclosed by edge portion 5.

Although foam insulation is disclosed in Jorger, it merely fills the space between the inner and outer skins of the container wall and no part of the top rail can be regarded as being embedded in the foam.

Furthermore, it is respectfully submitted that the constructions shown in Mader and Jorger are quite dissimilar from one another. Mader discloses an arrangement for locating discrete panels 1334 in position at the edges of the container whereas Jorger discloses a

container in which the adjacent walls are integral and have a common foam filling extending around the common edge of the wall portions. The combining of the references as proposed by the Examiner can only be made with the benefit of the teaching of the present invention. It is respectfully submitted that one skilled in the art would not consider Mader as authorizing the formation of a return portion at the edge of the third web embedded in the foam as claimed.

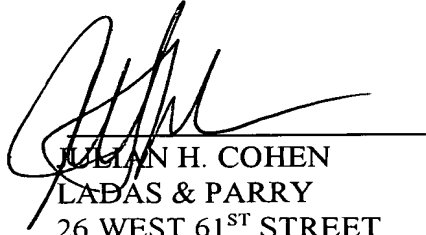
The rejection of Claim 25 is not well taken since the limitations therein are neither disclosed nor suggested by the combination of references since Claim 25 calls for the further web portion 6 "arranged to be embedded in foam insulation between the inner and outer skins". No embedding of either the first web portion (Claim 24) or the further web portion (Claim 25) is disclosed or suggested in either of the cited references.

With regard to Claim 27 and 30, the Examiner's rejection on the grounds of obviousness relies on the incorrect assumption that embedding in foam insulation is disclosed in Mader.

Similar arguments are applicable to Claim 31.

For the above reasons it is respectfully submitted that favorable reconsideration of the claims and withdrawal of the rejection is warranted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Julian H. Cohen', is written over a horizontal line.

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